

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 17-03

November 7, 2016

TO: All Regional Directors, Officers-in-Charge and Resident Officers

FROM: Beth Tursell, Associate to the General Counsel

SUBJECT: Update to OM 16-23 - Collecting Data in Connection with Fair Pay and Safe Workplaces Executive Order

In [OM 16-23](#), the Division of Operations-Management issued guidance instructing Regions to begin collecting four pieces of information in connection with the Fair Pay and Safe Workplaces Executive Order. The Agency deployed [Form NLRB-5554](#) for the purpose of employers furnishing their Commercial and Government Entity (CAGE) number, their Data Universal Number System (DUNS) number, their DUNS +4 suffix, and their Employer Identification Number (EIN) or Taxpayer Identification Number (TIN). Using [language attached to that Memorandum](#), Regions have been soliciting certain employers to furnish this information.

On October 24, 2016, the United States District Court for the Eastern District of Texas issued an order, preliminarily enjoining implementation of key aspects of EO 13673 (Fair Pay and Safe Workplaces). While the eventual outcome of the underlying suit in that case, *Associated Builders and Contractors of Southeast Texas v. Rung*, Civil Action No. 1:16-CV-425, is unknown, the Agency is not proceeding with sharing information with other Agencies in the manner contemplated by the Executive Order while the injunction is in effect.

Having developed an infrastructure to collect and enter the CAGE, DUNS, DUNS+4, and EIN/TIN, and since such information is useful for internal Agency purposes, Regions should continue to request that employers, other than the United States Postal Service, complete and return Form NLRB-5554. Regions should also enter responses they receive into the NxGen electronic case-management system. The language attached should be used to solicit employers to complete Form NLRB-5554. If you have any questions regarding the foregoing, please contact your Deputy or AGC.

B.T.

Attachment: updated language requesting completion

cc: NLRBU